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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,245	07/08/2003	Karin Lynn Peterson	KLP-1	6079

7590 10/19/2005  
Henry W. Cummings  
3313 W. Adams St.  
St. Charles, MO 63301

EXAMINER
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HAGINS, SAMUEL L

ART UNIT	PAPER NUMBER
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2841

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/614,245

**Applicant(s)**

PETERSON, KARIN LYNN

**Examiner**

Samuel I. Hagins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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*REMAIL*  
**DETAILED ACTION**

***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cover (figure 1 #18), electrical cord (figure 2 #15); tape, CD or record player (figures 1 and 2 # 20) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "figure 1 #18" and "figure 2 #10" have both been used to designate a night light. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "item number 10" has been used to designate both light bulb and filament. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of

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any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities: Reference numbers 10, 13, 15, 18 and 20 are not mentioned in the specification.

Appropriate correction is required.

### ***Claim Objections***

5. Claim 5 and 6 are objections for improper antecedent basis. In line 1 of claim 5, said light bulb does not have antecedent basis Claim 6 is objected to because it depends from claim 5.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-14, and 16-18 rejected under 35 U.S.C. 102(b) as being anticipated by Blackman (US 6236622).

Regarding Claims 1, 4, 11 and 13. Blackman teaches a night light mounted on a housing (fig 3 #84); a timer located on said housing adjacent said nightlight (fig. 1a

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#156,158 and 160); means for setting the time that said night light will remain on (column 9 lines 8-36); and means for connecting said light to a source of electrical power (fig 3 #38 and 40); whereby when the assembly is plugged into a source of electric current, said timer may be set to a selected time for the light to remain on, and after this selected time has elapsed, said light automatically turns on allowing for sleep in appropriate darkness (column 9 lines 8-36). Blackman teaches night-light includes means for providing music (column 7 lines 65-68 and column 8 lines 1-2).

Regarding Claims 2 and 12. Blackman teaches means for connecting said light to a source of electrical power comprise electrical prongs (fig 3 # 38 and 40).

Regarding Claim 3. Blackman teaches said electrical prongs are polarized for safety (fig 3 # 38 and 40).

Regarding Claim 5. Blackman teaches a cover (fig 1 #94) for said light bulb is provided.

Regarding Claim 6. Blackman teaches a cover (fig 1 #94) includes decorative designs, colors or materials because cover may be of non-glare glass or fabric material (column 6 lines 9-10).

Regarding Claim 7. Blackman teaches timer is a digital timer (fig 1a).

Regarding Claims 8. Blackman teaches a standard wattage bulb (fig 3 # 84).

Regarding Claim 9. Blackman teaches light bulb is provided in a variety of wattages, sizes or types (fig 3 # 84).

Regarding Claims 10 and 14. Blackman teaches night-light includes means for providing music (column 7 lines 65-68 and column 8 lines 1-2).

Regarding Claim 16 Blackman teaches bulb (fig 3 # 84) where said appliance is a light source.

Regarding Claim 17. Blackman teaches where two appliances are activated (fig 3 #84 and column 7 lines 65-68 and column 8 lines 1-2).

Regarding Claim 18. Blackman teaches a second appliance is a light source (fig. 1 and fig. 3).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Blackman (US 6236622) in view of McKenzie (US6634768).

Regarding Claim 15. Blackman teaches all of the claimed invention as explained above with respect to claims 13 and 14, except where in said source of music comprises a tape player, CD player or record player. McKenzie teaches using a source of music comprises a tape player, CD player or record player (column 3 lines 31-44).

It would have been obvious to one of ordinary skill in the art at the time of invention to make the source of music of Blackman a tape player, CD player, or record player as taught by McKenzie's invention in order to provide the music that the user prefers to sleep or wake by.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brady (5622424) Decorative night light with replaceable photo holder. Kato Toshio (10306340) all night light Pasholk (5727953) nite lite with rotatable prongs.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel L. Hagins whose telephone number is (571) 272-5982. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kammie Cuneo, can be reached on (571) 272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Samuel Hagins



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